

NAYS—Senators Allison, Ball, Burton, Ellis, Hobby, Morris, Moore, Parker, Shepard, Stirman, Trolinger, Westfall and Wood—13.

Senator Culberson moved the further consideration of the bill be postponed until ten o'clock A. M. to-morrow. Lost.

Senator Parker moved the adoption of the minority report, which recommended the passage of the bill. Carried by the following vote :

YEAS—Senators Allison, Ball, Burton, Culberson, Davenport, Dwyer, Ellis, Hobby, Morris, Moore, Parker, Shepard, Stirman, Trolinger, Westfall and Wood—16.

NAYS—Senators Baker, Bradshaw, Bradley, Dillard, Friend, Joseph, Ledbetter and Russell—8.

Senator Russell moved a call of the Senate. Call sustained.

Absent—Senators Dillard, Erath, Ireland and Randle.

Senator Culberson moved the Senate stand adjourned. Carried.

NINETY-FIRST DAY.

SENATE CHAMBER. }
Austin, May 2, 1874. }

Senate met pursuant to adjournment ; roll called ; quorum present.

Prayer by Rev. A. G. Stacy, of Austin.

The reading of the journal of yesterday was dispensed with.

A message was received from the House announcing the passage of the following Senate bills :

Bill No. 212, "An act to enable common carriers to dispose of unclaimed freight or baggage," with amendments by the House.

Senate bill No. 367, "An act to make appropriations for the support of the State government for the fiscal year beginning September 1, 1874, and ending August 31, 1875," with some amendments by the House.

Senate bill No. 432, "An act to incorporate the San Antonio City Street Railway Company."

Senate bill No. 434, "An act to repeal an act to incorporate the town of Ysleta in El Paso county, approved May 9, 1871.

Senate bill No. 409, "An act to amend an act to establish a criminal court in and for the cities of Waco and Marlin, and defining the powers thereof, passed at the present session of the Legislature.

Senate bill No. 486, "An act supplemental to 'An act to create the county of Lee,'" approved April 14, 1874. Also the passage of House joint resolution No. 42, "Authorizing and requiring the Governor to advertise for proposals for building two additional State penitentiaries." Also that the House concurs in Senate amendments to House bill No. 302, "An act to regulate Life and Health Insurance Companies and all associations, partnerships or individuals doing Life and Health Insurance business, incorporated within or without the State of Texas. Also, that the House concurs in Senate amendments to House joint resolution No. 286, "Relating to those who lost limbs during the late war, being residents of Texas." Also, that the House concurs in Senate amendments to House bill No. 88, "An act to create a lien in favor of the proprietors of livery or other public stables."

Substitute Senate bill No. 244, "An act to authorize justices of the peace to hold regular terms of their courts at such places in their precincts as may suit the wants of the people."

Senate substitute for House bill No. 182, "An act to lease to the use of Travis county certain land in the city of Austin on which to erect a courthouse and jail," and to enable said county to build the same."

Senate bill No. 370, "An act to incorporate the Rusk Transportation Company."

Senate bill No. 425, "An act to provide for the traveling and other contingent expenses of the quartermaster and commissary of the frontier battalion."

Senate bill No. 440, "An act to amend an act to authorize the holders of State warrants to surrender the same to the State Treasurer, and to receive bonds in lieu thereof," approved May 30, 1873.

Senate bill No. 380, "An act to amend the eighth section of an act regulating taxation," approved June 3, 1873.

Substitute Senate bill No. 158, "An act providing for the condemnation and sale of damaged and useless arms, equipments and ammunitions belonging to the State," with House amendments.

Senate bill No. 308, "An act supplemental to an act to

provide for the registration of voters, and to repeal an act to provide for a special registration of voters preparatory to an election under the provisions of an act to authorize counties, cities and towns, to aid in the construction of railroads and other works of internal improvements," approved April 29, 1873.

House joint resolution, "Joint resolution providing for the destruction of certain bonds of the State now in the office of the State Treasurer.

Senate bill No. 429, "An act to regulate the manner of proceeding in the Supreme Court upon motions for rehearing.

Substitute Senate bill No. 242, "An act to provide for the removal from office of district attorneys, sheriffs, district clerks and other officers, and for filling vacancies in such offices.

Senate bill No. 415, "An act to legalize the offspring of Julius Henry and Bertha Nathan.

Senate bill No. 350, "An act to amend the twenty-eighth section of an act entitled an act prescribing the times of holding the district courts in the several judicial districts, approved August 10, 1870.

Senate bill No. 439, "An act to regulate the times of holding the district courts in the twenty-fourth Judicial District.

By leave Senator Ireland called up Senate bill No. 380, "An act to amend the eighth section of an act regulating taxation, approved June 3, 1873. Bill read second time and ordered engrossed. Rules suspended, bill read third time and passed.

Senator Ireland for the Committee on Judiciary submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary to whom was referred Senate joint resolution No. 391, to annex the parishes of Caddo, De Soto, State of Louisiana, to the State of Texas, having duly considered the same, ask leave to return the resolution, with the Governor's veto, and recommend that it do not pass.

IRELAND, Chairman.

Report from the Judiciary Committee:

Hon. R. B. Hubbard, President of the Senate:

A minority of your Committee on Judiciary, to whom was referred the consideration of Senate Joint Resolution

No. 391, entitled "Joint Resolution to annex the parishes of Caddo and De Soto, State of Louisiana, to the State of Texas," and also the veto message of His Excellency, the Governor, have maturely considered said resolution, and also the objections urged against its passage by His Excellency, and beg leave to report the accompanying substitute and recommend its passage.

Respectfully submitted,

J. E. DILLARD,
SETH SHEPARD,
THOMAS M. JOSEPH,
W. D. WOOD.

The title of the joint resolution referred to is, joint resolution pertaining to the annexation of the parishes of Caddo and De Soto, State of Louisiana, to the State of Texas.

On motion of Senator Westfall the rules were suspended and Senate bill No. 212, "An Act to enable common carriers to dispose of unclaimed freight or baggage," with House amendment, was taken up.

On motion of Senator Westfall, the House amendment was concurred in.

On motion of Senator Friend, the message of the Governor was taken up and read.

The message was as follows :

EXECUTIVE OFFICE, STATE OF TEXAS,)
Austin, May 1, 1874. (

To the Honorable Senate of the State of Texas :

GENTLEMEN—I respectfully ask your advice and consent to the following appointments, to-wit :

H. A. Halbert, to be notary public, Brown county.

Wm. R. Pruitt, to be notary public, Cass county.

Ed. Croft, to be notary public, Cass county.

Buford Henry, to be notary public, Collin county.

Wm. T. Austin, to be notary public, Galveston county.

T. J. Broyles, to be notary public, Nacogdoches county.

Thos. E. Boren, to be notary public, Panola county.

John Sealy, to be pilot commissioner, Galveston.

Charles Fowler, to be pilot commissioner, Galveston.

Andrew Munn, to be pilot commissioner, Galveston.

M. Quin, to be pilot commissioner, Galveston.

W. S. Moody, to be pilot commissioner, Galveston.

I beg leave respectfully to withdraw the name of Wm. Grafton, of DeWitt county, who was nominated to be notary public April 23, 1874.

Very respectfully,

RICHARD COKE.

On motion of Senator Joseph, the Senate went into executive session.

IN SENATE.

The Secretary was instructed to inform his Excellency the Governor that the Senate does advise and consent to the appointment of the notaries public and other officers nominated by his Excellency in his message of May 1, 1874; and also, that the Senate agrees to the withdrawal of the name of Wm. Grafton, of DeWitt county.

Senator Dillard moved a suspension of the rules to call up the majority and minority reports on the annexation of the parishes of Caddo and De Soto, in the State of Louisiana, to the State of Texas.

Senator Culberson moved a call of the Senate. Call sustained.

By leave, Senator Moore called up House bill No. 514, "An Act to incorporate the Houston and East Texas Railroad Company, and grant State aid thereto." Bill read first time; rules suspended, bill read second time and passed to third reading; rules suspended, bill read third time and passed by the following vote:

YEAS—Senators Ball, Baker, Bradley, Burton, Culberson, Davenport, Dillard, Dwyer, Friend, Hobby, Joseph, Ledbetter, Morris, Moore, Randle, Russell, Shepard, Stirman, Swift and Wood—20.

NAYS—Senators Allison, Bradshaw, Erath, Parker and Trolinger—5.

On motion of Senator Parker, Senate bill No. 376, "An Act to make appropriations for the support of the State government for the fiscal year beginning September 1, 1874, and ending August 31, 1875," was taken up with House amendments thereto.

On motion of Senator Ireland, the Senate refused to concur in House amendments.

Senator Parker offered the following resolution:

Resolved, That the Secretary of the Senate be required to have published in the next issue of the *State Gazette* the caption of all laws and joint resolutions passed and adopted at this session. Adopted.

A message was received from the House, announcing that the House refused to recede from its amendments to Senate bill No. 367, "An Act to make appropriations for the support of the State government for the fiscal year beginning September 1, 1874, and ending August 31, 1875," and that the House had appointed a free conference committee on said bill, consisting of Representatives Delaney, DeMorse, Kemble, Pickett and Barziza, and asked that a like committee be appointed on the part of the Senate.

The President appointed on said committee Senators Wood, Ball, Dwyer, Ireland and Dillard.

A further message was received from the House announcing the passage of Senate bill No. 383, "An Act prescribing the times of holding the district courts in the Sixteenth Judicial District of the State of Texas," with an amendment by the House.

Also, Senate bill No. 433, "An Act to prevent frauds upon the State."

Also, Senate bill No. 413, "An Act making an appropriation to pay the interest on the bonded indebtedness of the State, and the interest on State Treasury warrants."

Also, the passage of House bill No. 530, "An Act to amend section one of an act supplemental to an act amendatory of an act entitled 'an act to encourage stock raising and to protect stock raisers,'" approved May 1, 1874.

A message was received from the Governor.

The message of the Governor was taken up and read, which was as follows:

EXECUTIVE OFFICE, STATE OF TEXAS,
Austin, May 2, 1874.

To the Honorable Senate of the State of Texas:

GENTLEMEN—I respectfully ask your advice and consent to the following appointment, to-wit: Robert S. Gould, of Galveston county, to be Associate Justice of the Supreme Court, *vice* Hon. P. W. Gray, resigned.

Very respectfully,

RICHARD COKE.

On motion of Senator Wood, the Senate went into Executive session.

IN SENATE.

The Secretary of the Senate was instructed to inform his Excellency the Governor, that the Senate does advise and

consent to the appointment of Robert S. Gould, of Galveston county, to be Associate Justice of the Supreme Court.

A full Senate being announced, Senator Dillard called up the majority and minority reports on the question of the annexation of the parishes of Caddo and De Soto, in the State of Louisiana, to the State of Texas.

Senator Dillard withdrew the minority report.

(Senator Westfall in the chair.)

Senator Dillard moved that the veto message and majority report be taken up. Carried.

On motion of Senator Dillard, the Joint Resolution submitted by the minority on Judiciary, was taken up. Joint resolution read first time.

Senator Shepard moved that the rules be suspended and resolution read second time. Lost by the following vote:

YEAS—Senators Ball, Burton, Dillard, Hobby, Joseph, Moore, Parker, Shepard, Stirman, Swift and Wood—11.

NAYS—Senators Allison, Bradshaw, Bradley, Culberson, Davenport, Dwyer, Erath, Ledbetter, Morris, Russell and Westfall—11.

(The President in the chair.)

The President appointed on the Committee of Free Conference, on the disagreement between the two Houses, on Senate Bill, No. 367, "An Act to make appropriations for the State government, for the year beginning September 1, 1874, and ending August 31, 1875," Senators Wood, Ball, Dwyer, Ireland and Dillard.

On motion of Senator Wood, the rules were suspended, and House Bill, No. 507, An Act to ascertain the deficiencies of the several departments of the State for the fiscal year, ending the thirty-first of August, A. D. 1874, and amounts due individuals, and to appropriate money to pay the same," was taken up, and read first time.

On motion of Senator Erath, the rules were suspended, and bill read second time.

Senator Wood offered the following amendment:

After the word "office," add the following words: "in part for salaries of clerks employed, and to be paid from the first of March last. Adopted.

Senator Shepard offered the following amendment:

Amend section one, by inserting the following words, under the head of Judiciary: "To pay fees of Thomas M.

Hunt, District Clerk of Burleson county, for list of conveyances, furnished Justices of the Peace, under Section 9, of the tax law of 1870, \$15,000." Adopted.

Senator Shepard offered the following amendment:

"To District Clerk of Washington county for costs of court in the case of the 'State of Texas vs. W. L. Wilkerson, unknown heirs, etc.,' an action for escheat of land adjudged against the State, February Term, 1874, \$60 00." Adopted.

Senator Wood offered the following amendment:

Add at the end of the first section "\$3000, deficiency for Geological Department." Adopted.

Senator Joseph offered the following amendment:

In section three, add the words "for amount of deficiency, the payment whereof was recommended by the Governor, in his message of March 14, 1874, \$10,000." Adopted.

Senator Ball offered the following amendment:

Amend section two by inserting after the word "accrued," in line twelve, the following words: "Provided, that said Board shall not be prohibited from approving the account of assistant clerks employed by all the different departments, from the first day of February to the thirtieth of April, A. D. 1874, at one hundred and twenty-five dollars each per month." Adopted.

Senator Bradshaw offered the following amendment:

In Section . . after the name of "C. R. Gibson," insert the words "five hundred dollars to J. L. King, sheriff of Ellis county, the amount of a reward offered by the Governor for the arrest of H. Ainesworth." Adopted.

Senator Ireland offered the following amendment:

Add "E. F. Hall, District Clerk of Webb county, for list of conveyances, and making assessment rolls, under act of August 15, 1870, \$134" Adopted.

Senator Baker offered the following amendment:

Erase line twenty-one, first section, and insert the following words: "For Bureau of Immigration, \$9,112 74. To meet this deficiency, the sum of \$6,612 87 of the appropriation of the \$30,000, made by the Twelfth Legislature, unexpended, and the sums of \$1000 for postage on European pamphlets, the sum of \$1500 for salary of agent at Castle Garden, made by the Thirteenth Legislature, all of which sums are unexpended, be, and the same are hereby transferred to and re-appropriated to cover this deficiency." Adopted.

Senator Dillard offered the following amendment :

Strike out "\$255,000," and insert \$100,000 for deficiency frontier protection.

Senator Dillard moved a call of the Senate. Call sustained. Absent—Senators Bradshaw, Burton, Culberson, Parker, Randle and Russell.

On motion of Senator Dillard, the call was suspended.

The question then recurring on the adoption of the amendment offered by Senator Dillard, it was lost, by the following vote :

YEAS—Senators Baker, Bradley, Davenport, Dillard, Friend, Ireland, Morris, Moore and Parker—9.

NAYS—Senators Allison, Ball, Bradshaw, Dwyer, Erath, Joseph, Ledbetter, Shepard, Stirman, Trolinger, Westfall and Wood—12.

Senator Friend offered the following amendment :

Provided said Board shall audit all legal claims for money accrued against the State since January 1859, and report the same to the next session of the Legislature. Adopted.

The question then recurring on the passage of the bill to a third reading, the ayes and nays being demanded, the vote stood as follows :

YEAS—Senators Ball, Dwyer, Erath, Friend, Joseph, Ledbetter, Russell, Shepard, Stirman, Westfall and Wood—11.

NAYS—Senators Allison, Baker, Bradshaw, Bradley, Davenport, Dillard, Ireland, Morris, Moore, Parker and Trolinger—11.

The vote being evenly divided, the President of the Senate voted in the negative, so the bill did not pass to a third reading.

Report from the Committee on Enrolled Bills :

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Enrolled Bills ask leave to report that they have carefully examined, and find correctly enrolled Senate bill No. 371, "An Act declaring 'an act to incorporate the city of San Antonio, and grant a new charter to said city, and to repeal an act, entitled 'an act to incorporate the city of San Antonio,' " approved July 17, 1856; and an act to incorporate the city of San Antonio, approved February 11, 1860; and an act to incorporate the city of San Antonio, and grant a new charter to said city, approved August 13, 1870, one of the unpublished Special Laws of

the Thirteenth Legislature, and have this second day of May, 1874, at 9:30 o'clock A. M., presented the same to the Governor for his approval.

JOS. E. DWYER, for Committee.

Further report from the Committee on Enrolled Bills:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Enrolled Bills ask leave to report that they have carefully examined, and find correctly enrolled: Senate bill No. 434, "An Act to repeal an act to incorporate the town of Ysleta, in El Paso county," approved May 9, 1871. Senate bill No. 409, "An Act to amend an act to establish a criminal court in and for the cities of Waco and Marlin, and defining the powers thereof," passed at the present session of the Legislature. Senate bill No. 212, "An Act to enable common carriers to dispose of unclaimed freight or baggage," and Senate bill No. 436, "An Act supplemental to an act to create the county of Lee," approved April 14, 1874, and have this second day of May, 1874, at twelve o'clock M., presented the same to the Governor for his approval.

W. H. WESTFALL, for Committee.

On motion of Senator Friend, the rules were suspended, and Senate bill No. 383 was taken up, "An Act prescribing the times of holding the district court in the Sixteenth Judicial District of the State of Texas," with House amendments.

On motion of Senator Friend, the House amendments were concurred in.

Message received from the Governor.

On motion of Senator Baker, the messages were taken up and read.

The messages were as follows:

EXECUTIVE OFFICE, STATE OF TEXAS,
Austin, May 2, 1874.

To the Honorable Senate of the State of Texas:

GENTLEMEN: I return herewith, without my approval, Senate bill No. 250, being "An Act to regulate public roads in the State of Texas," and respectfully ask that it be reconsidered.

My objections to the bill are confined to section six. This section makes it the duty of the county courts, when any

person, by himself or attorney, represents that a road commonly traveled by him to church, school house, mill, or county site, has been, or is about to be closed, to cause the sheriff and three citizens to be summoned for the purpose to go and open the road, and establish its line, width, etc., classify the road, and make report to the next term of the county court. I respectfully submit that this section, if passed, would authorize most palpable invasions of rights of property. It would authorize land of parties, taken without compensation, and appropriated to the public use, in violation of the Constitution. The section complained of authorizes the compulsory opening of roads through the land of citizens, on complaint of any person who has commonly traveled to either of the points named, over it, whether it was a public road, or whether he traveled it by permission of the owner, or was a trespasser when going over it, it makes no difference, nor does it make any difference whether any other person than the complainant ever traveled it; nor does the bill say how long he shall have traveled it; one day, one week, or one month; it simply gives him an absolute right to have the road opened, whatever the land may be worth, or the damage that may accrue to the owner, without judge or jury, and makes no provision whatever for compensation to the owner for his land, or for the damage he may suffer.

If this bill becomes a law, there is not a tract of land in the State that may not, on the application of some person, who, with or without permission of the owner, has "commonly traveled" over it, once in one, two, three or four weeks, to mill or church, or the county site, when it was traveled by nobody else, have a road made through it, and that as a matter of right by the summary action of the sheriff and three citizens, without even giving notice of the proceeding to the owner, for the bill does not require notice to him. It is respectfully submitted, that no man's rights of property should be dealt with, except upon due notice to him, and by due course of law, and that no law should be enacted looking to an appropriation of private property to public uses, without, at the same, making ample provision for just compensation, and that this bill is manifestly violative of both of these elementary principles.

Very Respectfully,

RICHARD COKE.

EXECUTIVE OFFICE, STATE OF TEXAS,
Austin, May 2, 1874.

To the Honorable Senate of the State of Texas :

GENTLEMEN—I respectfully return Senate joint resolution No. 331, without my approval. This bill, provides for delivery by the late State Printer, to the Secretary of State, of two thousand copies of the General Laws of the Thirteenth Legislature, printed in the German language, and for paying him for the same.

Section five, article twelve, of the constitution, reads as follows: "The Legislature shall provide by law for the compensation of all officers, servants, agents and public contractors not provided for by this constitution, and shall not grant extra compensation to any officer, agent, servant or public contractor after such public service shall have been performed, or contract entered into for the performance of the same, nor grant by appropriation or otherwise any amount of money out of the treasury of the State to any individual on a claim, real or pretended, when the same shall not have been provided for by *pre-existing* law." It will be seen by reference to the House Journal of the Thirteenth Legislature, page 1375, that an effort was made to pass a law through that body authorizing the general laws of the Thirteenth Legislature printed in the German and Spanish languages, but that it failed to pass. The late State Printer of course knew that no law authorized that printing to be done, for he printed the journals, which show affirmatively and clearly the defeat of the effort to pass the law. His claim, then, against the State, for payment of which this bill makes provision, is expressly forbidden by the section of the constitution just quoted, because not provided for by a *pre-existing* law.

Believing the bill manifestly unconstitutional, I respectfully ask its reconsideration.

Very respectfully,

RICHARD COKE.

Senator Dwyer moved a suspension of the call of the Senate, in order to consider the messages of the Governor. Call suspended.

The question being "shall Senate bill No. 250, 'An Act to regulate public roads in the State of Texas,' pass notwithstanding the objections of the Governor," the Senate refused to pass the bill by the following vote.

YEAS—Senators Allison, Ball, Baker, Bradley, Burton, Culberson, Davenport, Dillard, Dwyer, Erath, Friend, Joseph, Ledbetter, Morris, Moore, Parker, Shepard, Trolinger, Westfall and Wood—20.

NAYS—None.

The question then being “shall Senate joint resolution No. 331, ‘Joint Resolution to provide for delivery by the late State Printer, to the Secretary of State, of two thousand copies of the general laws of the Thirteenth Legislature printed in the German language, and for paying him for the same,’ pass notwithstanding the objections of the Governor?” the resolution failed to pass by the following vote :

YEAS—Senators Ball, Burton, Ireland and Ledbetter—4.

NAYS—Senators Allison, Baker, Bradley, Culberson, Davenport, Dillard, Dwyer, Erath, Friend, Joseph, Morris, Moore, Parker, Shepard, Trolinger, Westfall and Wood—17.

By leave, Senator Joseph called up House bill No. 154, “An Act amendatory of ‘an act to organize and incorporate the Marshall, Texas, and Mansfield, Louisiana, Railroad Company.’” Bill read first time ; rules suspended, bill read second time and passed to third reading ; rules further suspended, bill read third time and passed.

Senator Trolinger moved a reconsideration of the vote by which the Senate refused to pass to third reading House bill No. 507, “An Act to ascertain the deficiencies of the several departments of the State for the fiscal year ending the thirty-first of August, A. D. 1874, and amounts due individuals, and to appropriate money to pay the same.” Carried.

Senator Dillard moved a call of the Senate. Call sustained.

Absent—Senator Bradshaw.

Senator Davenport moved to adjourn. Lost.

On motion of Senator Allison, the rules were suspended and Senate bill No. 158 was taken up, “An Act providing for the condemnation and sale of damaged and useless arms, equipments and ammunitions belonging to the State,” with House amendment.

On motion of Senator Allison, the House amendment was concurred in.

The following message from the Governor was received, read and ordered spread on the journals :

EXECUTIVE OFFICE, STATE OF TEXAS,
Austin, May 1, 1874.

Hon. R. B. Hubbard, President of the Senate:

SIR—I have the honor to hand you herewith the captions of all bills and joint resolutions passed by the Legislature and approved by me since April 15, 1874.

Very respectfully,

RICHARD COKE.

House bill No. 480, "An Act to amend the fourth section of an act entitled 'an act to establish, organize and define the powers of the criminal district court in and for the cities of Dallas, McKinney and Sherman,' passed June 4, 1873," approved April 17, 1874.

House bill No. 55, "An Act to suspend the powers of an act entitled 'an act to levy a special tax in the county of Angelina,' passed May 23, 1873," approved April 17, 1874.

House bill No. 510, "An Act to re-assess taxes in certain cases," approved April 17, 1874.

House bill No. 77, "An Act to amend the first section of an act entitled 'an act to incorporate the Texas Banking and Insurance Company,' approved the twenty-eighth day of June, A. D. eighteen hundred and seventy," approved April 17, 1874.

Senate bill No. 8, "An Act to reorganize the Seventh, Eighth and Eleventh Judicial Districts of the State of Texas, and to fix the time for holding the courts therein," approved April 17, 1874.

Senate bill No. 52, "An Act to confer jurisdiction of certain civil cases on the courts in the several counties in this State," approved April 17, 1874.

House bill No. 48, "An Act to reorganize Young county," approved April 17, 1874.

House bill No. 213, "An Act relating to the headright claim of Louis Rosseau to three hundred and twenty acres of land," approved April 17, 1874.

Senate bill No. 27, "An Act to amend sections five (5), eight (8), seventeen (17) and nineteen (19) of an act entitled 'an act to incorporate the Orange, Jasper and Shelby Railroad Company, and to aid in the construction of their road,' approved April 20, 1874.

Senate bill No. 233, "An Act to enable clerks of the district courts in certain counties to qualify as justices of the peace," approved April 20, 10:25 A. M., 1874.

Senate bill No. 110, "An Act to establish a criminal court in and for the cities of Waco and Marlin, and defining the powers thereof," approved April 20, 1874.

Senate bill No. 89, "An Act to incorporate the South-Western Railroad Company, and to grant lands to aid in the construction of its road," approved April 20, 1874.

House bill No. 32, "An Act authorizing clerks of the district court and justices of the peace to issue writs of garnishment in certain cases herein provided," approved April 20, 1874.

House bill, No. 252, "An Act granting pensions to the surviving veterans of the revolution which separated Texas from Mexico, including the Santa Fe and Mier prisoners, the survivors of the company of Captain Dawson, who was massacred near San Antonio in the year 1842; the survivors of those who were captured at the city of San Antonio in the fall of the year 1842 and taken to the Castle of Perote and confined therein, and the survivors of Deaf Smith's spy company, and to provide for the liquidation and settlement of all arrearages due said veterans under an act of the thirteenth of August, 1870, previous to the first of July, 1874," approved April 21, 1874.

House bill, No. 70, "An Act to repeal an act entitled 'an act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvements,' approved April 12, 1871," approved April 22, 1874, at 12 M.

House bill, No. 331, "An Act to repeal sections thirty and thirty-one of an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties," approved August 13, 1870," approved April 23, 1874.

House joint resolution No. 34, "Authorizing the Board on Public Printing to receive certain printing as therein specified," approved April 23, 1874.

House bill No. 406, "An Act to add the county of Waller to the Twenty-ninth Judicial District," approved April 23, 1874.

House bill No. 221, "An Act to amend the fourth section of an act entitled 'an act to provide for the publication of the decisions of the Supreme Court, and the appointment of a reporter,' approved November 12, 1866," approved April 23, 1874.

House bill No. 388, "An Act concerning private corporations," approved April 23, 1874.

"An Act regulating the order of business in the district court of Karnes county," vetoed April 24, 1874.

House bill No. 113, "An Act making an appropriation to defray the traveling and other contingent expenses of the Adjutant General of Texas in collecting the State arms," approved April 24, 1874.

House bill No. 386, "An Act to amend an act to fix the times of holding the district courts of the Twenty-first Judicial District of the State of Texas," approved June 4, 1873," approved April 24, 1874.

Senate bill No. 311, "An Act to authorize the International and Great Northern Railroad Company to issue bonds," approved April 24, 1874.

House bill No. 174, "An Act to provide for the sale of the alternate sections of lands as surveyed by railroad companies and set apart for the benefit of the common school fund," approved April 24, 1874.

House bill No. 463, "An Act authorizing the Judge of the Twenty-eighth Judicial District to hold a special term of court in Brazos county," approved April 24, 1874.

House bill No. 341, "An Act to provide for the amendment of town and city charters," approved April 24, 1874.

House bill No. 405, "An Act to encourage irrigation in El Paso county, by granting land in aid thereof," approved April 25, 1874.

House bill No. 387, "An Act to provide for the sale of the land granted to the Deaf and Dumb, the Lunatic and Blind Asylums," approved April 25, 1874.

Senate bill No. 364, "An Act to incorporate the Hearne, Belton and North-Western Railroad Company and aid in constructing the same by granting lands thereto," approved April 25, 1874.

Senate bill No. 148, "An Act to limit the amount to be issued in bonds of the State to the International Railroad Company and to provide for the payment of the same," approved April 25, 1874.

House bill No. 432, "An Act validating the authentication and registration of certain instruments in writing," approved April 27, 1874.

Substitute Senate bill for House bill No. 6, "An Act to ascertain the amount due the teachers of the public free

schools of this State for services rendered as teachers prior to first day of July, 1873, and to provide for the payment of the same," approved April 27, 1874.

House bill No. 524, "An Act supplemental to an act to further provide for the sale of bonds to pay the public debt, approved April 13, 1874," approved April 27, 1874.

Senate bill No. 99, "An Act to regulate pawnbrokerage," approved April 28, 1874.

House bill No. 489, "An Act to extend the provisions of House bill No. 16, entitled 'An act to encourage stock raising and for protection of stock raisers, to the counties of Liberty, Orange, Chambers and Jefferson,'" approved April 28, 1874.

House bill, No. 440, "An Act to amend 'an act prescribing the times of holding the district courts in the several judicial districts in the State, approved August 10, 1870,'" approved April 28, 1874.

House bill No. 583, "An Act to amend an act entitled 'an act to authorize the county court of Comanche county to issue bonds in the name of said county for the purpose of erecting public buildings and to fund the present indebtedness of said county,'" approved April 28, 1874.

Senate bill No. 165, "An Act to be entitled an act to provide for the special registration of voters in any unorganized county within the State of Texas," approved April 28, 1874.

House bill No. 299, "An Act prescribing the time of holding the district courts of the Thirty-fourth Judicial District," approved April 28, 1874.

Senate bill No. 97, "An Act to require district clerks and other officers, authorized and permitted by law, to take acknowledgements and proof of deeds and other instruments, to keep a record of the same," approved April 28, 1874.

House bill No. 373, "An Act to incorporate the Gonzales Tap Railway Company," approved April 28, 1874.

Senate bill No. 430, "An Act supplemental and amendatory of an act entitled 'an act to incorporate the Texas and Midland, Gulf and New Orleans Railway, and to aid in the construction of the same, passed at the present session of the Legislature,'" approved April 29, 1874.

Senate bill No. 240, "An Act to incorporate the Texas Midland, and Gulf and New Orleans Railway, and to aid in the construction of the same," approved April 29, 1874.

Senate bill No. 408, "An Act to amend section thirty-nine of an act entitled 'an act to encourage stock raising and for the protection of stock raisers,' approved March 23, 1874," approved April 29, 1874.

Senate bill No. 423, "An Act to authorize the Judge of the Seventh Judicial District to hold a special term of the district court of the county of Marion," approved April 29, 1874.

Senate bill No. 416, "An Act to authorize the Judge of the Twenty-fifth Judicial District to hold a special term of the district court in the county of El Paso," approved April 29, 1874.

Senate bill No. 78, "An Act to define the land districts of Palo Pinto, Jack, Clay, Young and Eastland," approved April 29, 1874.

Senate joint resolution No. 427, joint resolution granting leave of absence to the Hon. D. D. Claiborne, Judge of the Seventh Judicial District, approved April 29, 1874.

Senate joint resolution No. 340, Joint resolution relative to the cession of a certain portion of territory from the State of Texas. Whereas, there is a small area of territory belonging to the State of Arkansas, (known as La Fayette county) on the west side of Red river, and Whereas, it is desirable to make Red River the dividing line between the two States, approved April 29, 1874.

Senate bill No. 335, "An Act to provide for the safe keeping of the furniture and fixtures belonging to the public halls of the Capitol, the Public Library, and to provide for the improvement of the Capitol grounds and State cemetery." Approved April 29, 1874.

Senate bill No. 421, "An Act to amend section seven of an act entitled 'an act prescribing the time of holding the district courts in the several judicial districts in the State,' " approved August 10, 1870, and to repeal the act passed February 17, 1873, amendatory of the above entitled act. Approved April 29, 1874.

Senate bill No. 402, "An Act to validate the election for a corporation and officers of the corporation of the town of Carthage," approved April 29, 1874.

Senate bill No. 405, "An Act prescribing the times of holding the district courts in the Twenty-ninth Judicial District, and repealing all other acts in conflict with this act," approved April 25, 1874.

House bill No. 407, "An Act to incorporate the Hender-

son and Overton Branch Railway Company," approved April 29, 1874.

Senate bill No. 288, "An Act to legalize the unconditional certificate of three hundred and twenty (320) acres of land, issued to Josiah Powers," approved April 29, 1874.

House bill No. 511, "An Act to amend the tenth section of an act entitled an act prescribing the times of holding the district courts in the several judicial districts in the State," approved August 10, 1870, approved April 29, 1874.

House bill No. 222, "An Act to require the Commissioner of the General Land Office to furnish copies of surveys and field notes to the counties of the State," approved April 29, 1874.

House bill No. 416, "An Act to incorporate the Alamo Rifles of the city of San Antonio," approved April 29, 1874.

House bill No. 186, "An Act for the relief of certain citizens of Limestone and Walker counties," approved April 29, 1874.

Senate bill No. 127, "An Act to improve the navigation of the Sabine, Neches and Angelina rivers and Pine Island bayou in the State of Texas, approved April 29, 1874.

House bill No. 435, "An Act to amend an act to provide for districting the State of Texas into judicial districts, approved July 8, 1870, approved April 30, 1874.

Senate bill No. 277, "An Act amendatory of and supplementary to an act entitled an act to regulate the assessment and collection of taxes, approved May 31, 1873, approved April 30, 1874.

Senate bill No. 136, "An Act to extend the time for the construction of works of internal improvement," approved April 30, 1874.

House bill No. 413, "An Act to annex a portion of the county of Harrison to Marion, and to establish the boundary line between said counties," approved April 30, 1874.

House bill No. 79, "An Act to extend the area and enlarge the county of Gregg," approved April 30, 1874.

House bill No. 305, "An Act to define the land districts of Brown and San Saba," approved April 30, 1874.

House bill No. 522, "An Act to authorize and require the Secretary of State to distribute certain books and documents," approved April 30, 1874.

House bill No. 509, "An Act to provide for the locating of county seats in such counties of the State that are without county seats," approved April 30, 1874.

House bill No. 525, "An act to prohibit the sale of intoxicating or spirituous liquors within two miles of certain places," approved April 30, 1874.

House bill No. 528, "An act supplemental to an act entitled an act to incorporate the Houston and Brazos Canal and Navigation Company, and to grant State aid thereto, passed at first session of the Fourteenth Legislature, approved May 1, 1874.

House bill No. 365, "An act to incorporate the Houston and Brazos Canal and Navigation Company, and to grant State aid thereto," approved May 1, 1874.

Senate bill No. 79, "An act to regulate the conduct of public officers in certain cases," approved May 1, 1874.

Senate bill No. 83, "An act to incorporate the South-Western and Rio Grande Railroad Company, and to aid in the construction of the same," approved May 1, 1874.

Senator Westfall, for Committee on Enrolled Bills, submitted the following report :

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Enrolled Bills ask leave to report that they have carefully examined and find correctly enrolled the following Senate bills, viz: Senate bill No. 60, "An Act concerning the forfeiture of certain sheep and goats;" Senate bill No. 216, "An Act to validate the acts of certain notaries public;" Senate bill No. 318, "An Act to amend the caption of an act entitled 'an act to incorporate the Rockport, Fulton, Laredo and Mexican Pacific Railroad Company,' approved March 11, 1871, and change the name of said Railroad Company;" Senate bill No. 324, "An Act to attach the county of La Salle to Nueces land district;" Senate bill No. 412, "An Act to incorporate the Caddo, Paris and Jefferson Branch of the Missouri, Kansas and Texas Railroad Company," and Senate bill No. 431, "An Act to amend an act approved April 22, 1874, entitled an act to repeal an act entitled 'an act to authorize counties, cities, and towns to aid in the construction of railroads and other works of internal improvement,'" approved April 12, 1871, and have this second day of May, 1874, at 9 o'clock A. M., presented the same to the Governor for his approval.

W. H. WESTFALL, for Committee.

Further report from Committee on Enrolled Bills:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Enrolled Bills ask leave to report that they have carefully examined and compared, and find correctly enrolled, Senate bill No. 384, "An Act to amend the title and section one of an act entitled 'an act to incorporate the Bryan Real Estate and Building Association,'" approved May 25, 1871, and Senate bill No. 102, "An Act for the protection of the wool growing interest of the State," and have this second day of May, 1874, at 9:45 o'clock A. M., presented the same to the Governor for his approval. W. H. WESTFALL, for Committee.

Senator Trolinger, for Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills beg leave to report that they have carefully examined Senate bill No. 440, "An Act to amend an act entitled 'an act to authorize the holders of State warrants to surrender the same to the State Treasurer, and to receive State bonds in lieu thereof,'" approved May 30, 1873, and find the same correctly engrossed. W. H. TROLINGER, for Committee.

On motion of Senator Dillard, the Senate adjourned until 8 o'clock P. M.

NIGHT SESSION.

Senate met pursuant to adjournment.

Roll called; quorum present.

Senator Westfall stated, that Mr. Thos. Murrah, agent at this place, for the Texas Express Company, had requested him to state to the Senate, that his company would convey, free of charge, to their destination, wherever such destination was along the line of any railroad, certain books that the Superintendent of Public Instruction desired sent to the various counties.

On motion of Senator Westfall, Mr. Thos. Murrah and his company were tendered an unanimous vote of thanks; and the Secretary of the Senate was instructed to so inform the agent of the company.

Senator Hobby offered the following resolution:

Resolved, That the following rule be ordered as the standing rules of the Senate:

Rule 91. All unfinished business of the session of each Legislature shall be considered first in order at the several sessions of the same Legislature. Adopted.

Senator Wood submitted the following report :

Hon. R. B. Hubbard, President of the Senate :

Your Committee of Free Conference, to whom was referred Senate bill No. 367, "An Act to make appropriations for the support of the State Government for the fiscal year, beginning September 1, 1874, and ending August 31, 1875," have instructed me to report the bill back, and unanimously recommend that the House recede from all its amendments to the Senate bill, and recommend the passage of the Senate bill with the following amendments :

"Add to the Judiciary Department, in line three, the word 'lights,' and increase from two hundred to three hundred and fifty dollars. Add to Immigration Bureau 'one clerk at \$1500 salary.' Add to the Adjutant General's Department, 'for rent of house, for arms and ammunition, \$750, and to pay for services in taking care of arms and ammunition, \$500.' In the frontier appropriation substitute, 'three hundred thousand' for 'four hundred thousand dollars.' "

W. D. WOOD, Chairman Senate Committee.

W. S. DELANEY, Chairman House Committee.

On motion of Senator Wood, the report was unanimously adopted.

On motion of Senator Parker, House bill No. 527 was taken up, "An Act to ascertain the deficiencies of the several departments of the State for the fiscal year ending the thirty-first of August, A. D., 1874, and amounts due individuals, and to appropriate money to pay the same."

Senator Dillard offered the following amendment :

"Amend by striking out line thirty-four, section one."

Adopted by the following vote :

YEAS—Senators Allison, Ball, Baker, Bradshaw, Bradley, Culberson, Davenport, Dillard, Dwyer, Erath, Friend, Hobby, Joseph, Ledbetter, Morris, Parker, Russell, Shepard, Stirman, Swift, Trolinger and Westfall—22.

NAYS—Senators Burton, Moore, Randle and Wood—4.

Senator Wood moved to strike out line fourteen, in section one, and insert in lieu thereof "\$150,000." Adopted by the following vote :

YEAS—Senators Ball, Baker, Bradley, Davenport, Dillard, Dwyer, Friend, Hobby, Morris, Moore, Parker, Shepard, Stirman, Swift and Trolinger—16.

NAYS—Senators Allison, Bradshaw, Burton, Culberson, Erath, Joseph, Ledbetter, Randle, Russell and Westfall—10.

Senator Shepard moved to strike out the words "justice of the peace," wherever it occurs in the bill. Adopted.

Senator Shepard moved a reconsideration of the vote adopting the amendment offered by Senator Friend, said amendment being as follows:

"*Provided*, said Board shall audit all legal claims for money accrued since January 1, 1859, against the State, and to report the same to the next session of the Legislature. Carried.

On motion of Senator Dillard, the amendment was laid on the table.

Senator Westfall moved to amend by allowing another clerk in the Educational Department, as provided by law, at a salary of \$1600.

On motion of Senator Culberson, the amendment was laid on the table by the following vote:

YEAS—Senators Allison, Ball, Baker, Bradshaw, Bradley, Burton, Culberson, Davenport, Dillard, Dwyer, Friend, Hobby, Morris, Moore, Parker, Russell, Stirman, Swift and Trolinger—19.

NAYS—Senators Erath, Joseph, Ledbetter, Shepard, Westfall and Wood—6.

Senator Bradley moved the previous question. Previous question ordered, which was the passage of the bill to a third reading:

On motion of Senator Erath, the rules were suspended, and bill read third time.

Senator Swift offered the following amendment:

"For services rendered by J. L. Chandler, \$2112 47."

Senator Culberson moved to lay the amendment on the table. Carried by the following vote:

YEAS—Senators Allison, Ball, Bradshaw, Bradley, Culberson, Davenport, Dwyer, Friend, Hobby, Morris, Moore, Russell, Stirman and Trolinger—14.

NAYS—Senators Baker, Burton, Dillard, Erath, Joseph, Ledbetter, Parker, Shepard, Swift, Westfall and Wood—11.

Senator Culberson moved the previous question, which was the final passage of the bill. Previous question ordered. The bill then passed by the following vote:

YEAS—Senators Allison, Ball, Bradley, Burton, Culberson, Davenport, Dillard, Dwyer, Erath, Friend, Hobby, Joseph, Ledbetter, Morris, Moore, Parker, Russell, Shepard, Stirman, Swift, Trolinger, Westfall and Wood—24.

NAYS—Senator Bradshaw.

On motion of Senator Shepard, the rules were suspended, and House bill No. 517, "An Act to incorporate the Orange and Bolivar Point Railroad Company, and to grant aid in the construction of the same." Bill read first time. Rules suspended, bill read second time, and passed to third reading. Rules further suspended, bill read third time, and passed by the following vote:

YEAS—Senators Ball, Baker, Bradley, Burton, Culberson, Davenport, Dillard, Dwyer, Hobby, Joseph, Ledbetter, Moore, Russell, Swift, Westfall and Wood—16.

NAYS—Senators Allison, Friend, Parker and Trolinger—4.

By leave, Senator Moore introduced a bill, entitled "An Act to repeal an act, entitled 'an act to release certain taxes of the counties of Montague, Wise, Parker, Hood, Erath, Hamilton, Lampasas, Burnet, Blanco, Kendall, Bandera, Medina, Frio, McMullen, Duval, Starr, and all the counties south and southwest,'" passed April 30, 1873. Bill read first time; rules suspended, bill read second time.

Senator Friend offered the following amendment, "and all counties west of the Colorado River." Lost. The bill was then ordered engrossed. Rules suspended, bill read third time and passed.

By leave, Senator Hobby introduced a bill entitled "An Act to make an appropriation for a librarian for the Supreme Court, and porter, at Austin, Tyler and Galveston, and for furniture and books for the Supreme Court at the same places." Bill read first time.

Senator Hobby moved a suspension of the rules, to put the bill on its second reading. Lost by the following vote:

YEAS—Senators Ball, Baker, Burton, Culberson, Dwyer, Erath, Friend, Hobby, Joseph, Ledbetter, Moore, Russell and Trolinger—13.

NAYS—Senators Allison, Bradshaw, Bradley, Davenport, Dillard, Morris, Parker, Shepard, Stirman, Swift, Westfall and Wood—12.

Senator Wood moved a reconsideration of the vote by which the Senate refused to pass the bill to a second reading. Carried. Bill read second time.

Senator Wood moved to strike out "\$1500" and insert "\$1,000." Adopted. The bill, as amended, was then ordered engrossed. The rules were further suspended; bill read third time and passed by the following vote:

YEAS—Senators Allison, Ball, Baker, Bradshaw, Bradley, Culberson, Davenport, Dillard, Dwyer, Erath, Friend, Hobby, Joseph, Ledbetter, Morris, Moore, Parker, Russell, Trolinger and Wood—20.

NAYS—Senators Burton, Shepard, Stirman and Westfall—4.

On motion of Senator Erath, the rules were suspended, and House bill No. 445 was taken up, "An Act making surveyors responsible for altering or changing established lines in certain cases." Bill read first time. Rules suspended; bill read second time and passed to third reading.

On motion of Senator Erath, the rules were further suspended; bill read third time and passed.

Senator Westfall, for Committee on Enrolled Bills, submitted the following reports:

COMMITTEE ROOM, }
Austin, May 3, 1874. }

Hon. R. B. Hubbard, President of the Senate:

SIR—Your Committee on Enrolled Bills have carefully examined the following Senate bill, No. 160, "An Act to re-apportion the State of Texas into Congressional Districts," and find the same correctly enrolled, and have this second day of May, at 5.30 o'clock P. M. presented the same to the Governor for his approval.

W. H. WESTFALL, for Committee.

COMMITTEE ROOM, }
May 3, 1874. }

Hon. R. B. Hubbard, President of the Senate:

SIR—Your Committee on Enrolled Bills have carefully examined the following bill to-wit: Senate bill No. 437, "An Act to amend an act approved April 22, 1874, entitled 'an act to repeal an act entitled an act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvement, approved April 12, 1871, and find the same correctly enrolled, and have this second day of May, at 5:30 o'clock P. M. presented the same to the Governor for his approval.

W. H. WESTFALL, for Committee.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Enrolled Bills ask leave to report that they have carefully examined, and find correctly enrolled the following Senate bills, viz: Senate bill No. 370, "An Act to incorporate the Rusk Transportation Company." Senate bill No. 380, "An Act to amend section eight of 'an act regulating taxation,'" approved June 3, 1873. Senate bill No. 383, "An Act prescribing the times of holding the district courts in the Sixteenth Judicial District of the State of Texas." Senate bill No. 415, "An Act to legalize the offspring of Julius Henry and Bertha Nathan." Senate bill No. 429, "An Act to regulate the manner of proceeding in the Supreme Court, upon motions for rehearing." Senate bill No. 439, "An Act to regulate the times of holding the district courts in the Twenty-fourth judicial district," and Senate bill No. 440, "An Act to amend an act entitled 'an act to authorize the holders of State warrants to surrender the same to the State Treasurer, and to receive bonds in lieu thereof,'" approved May 30, 1873, and have this second day of May, 1874, at 5:30 o'clock P. M. presented the same to the Governor for his approval.

W. H. WESTFALL, for Committee.

Senator Dwyer, for Committee on Engrossed Bills submitted the following report:

COMMITTEE ROOM, }
Austin, May 2, 1874. }

Hon. R. B. Hubbard, President of the Senate:

SIR—Your Committee on Enrolled Bills have carefully examined the following Senate bill, No. 432, "An Act to incorporate the 'San Antonio City Street Railway Company,'" and find the same correctly enrolled, and have this the second day of May, at 5 o'clock P. M. presented the same to the Governor for his approval.

JOSEPH E. DWYER, for Committee.

On motion of Senator Ball, the Senate adjourned.